



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 60 of 2025

Date of Decision: 15.12.2025

Sumer
 S/o Balvant
 Brother-in-law of the accused
 R/o Choradi Aguni, Tehsil Chirawa,
 P.O Dhingaria, P.S. Chirawa
 District: Jhunjhunu, Rajasthan-333033

..... **Petitioner**

- Vs-

1. The State of Meghalaya represented by
The learned Public Prosecutor.
2. Shri. X, son of XY, resident of XYZ
(Complainant)

..... **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. N.M. Kharshemlang, Adv.

For the Respondent(s) : Mr. R. Gurung, GA.
 Mr. S. Sengupta, Addl. PP.

i) Whether approved for reporting in Law journals etc.:	Yes/No
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ii) Whether approved for publication
in press:

Yes/No

JUDGMENT AND ORDER (ORAL)

1. Heard Ms. N.M. Kharshemlang, learned counsel for the petitioner, who has submitted that the petitioner is the brother-in-law of the accused person, Shri. Debu Singh, who was arrested on 30.05.2023 in connection with Rongjeng P.S. Case No. 31 (10) 2015 under Section 366/370/370-A/34 IPC read with Section 5(l)/6 POCSO Act, which case has since been charge sheeted and trial is proceeding before the Court of the learned Special Judge (POCSO) Williamnagar, East Garo Hills District being Special (POCSO) Case No. 9/2023.

2. It is the submission of the learned counsel that the accused brother-in-law of the petitioner has been in custody for about 2 years and 6 months, and though, trial has proceeded, there are about 15(fifteen) prosecution witnesses, out of which, 4(four) has been examined.

3. It is also the submission of the learned counsel that the accused brother-in-law of the petitioner is the legal husband of the survivor and has married her legally in accordance with the prevailing custom. However, it is admitted that he was not aware at the relevant point of time that the survivor was still a minor. Out of this wedlock, 3(three) children were born to them.



Since an FIR has been filed by the father of the minor, therefore, the accused brother-in-law of the petitioner along with the other co-accused persons have been arrested in connection with the said case. It is prayed that this petition may be allowed and bail may be granted to the accused with any conditions deemed fit and proper to be imposed by this Court.

4. Mr. R. Gurung, learned GA appears on behalf of the State respondent.

5. This Court has heard the learned counsel for the petitioner, and has also perused the petition in hand along with the annexures enclosed in this petition, also the deposition of the survivor given in court as PW. 2, wherein in her statement before the court on 25.03.2025, she has given a detailed account of what had happened to her, has been gone through by this Court.

6. The fact that she was sexually assaulted and abused by a number of persons, has been narrated by her, such evidence to be taken into account by the Trial Court. However, this Court would not go into this aspect of the matter at this point of time, what is relevant, is her statement as regard the accused person in question, where at para 11,12,13 and 14, the survivor had made a statement regarding her encounter with the accused person in question, who is said to have married her on payment of a certain amount of money paid to one Abdul Kayum and Rofiquil Islam, and her marriage to him was



practically a forced one. She was practically held as a captive in the house of the accused person in question.

7. Again, this Court would not go into the merits of the evidence to form any opinion, since that is the domain of the Trial Court. However, prima facie, it appears that the conduct of the accused person in question is not overboard. Considering the factual situation as has been narrated by the survivor, this Court is not inclined to allow the prayer made at this point of time, noting the nature of how the alleged offence has been committed and the gravity of the same, particularly the impact it will have on the survivor.

8. Accordingly, this petition is hereby dismissed as devoid of merits.

Judge